



INTERIOR BOARD OF INDIAN APPEALS

Estate of Ernestine Sovo

22 IBIA 209 (08/07/1992)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF ERNESTINE SOVO : Order Affirming Decision
:
: Docket No. IBIA 92-10
:
: August 7, 1992

Appellants Gene Allen Sovo, Milton Sovo, Jr., Lenniel Ted Sovo, June Eddie Sovo, Donnita Faye Sovo Potts, Denese Renee Sovo, and Diana Gail Sovo seek review of a September 20, 1991, order denying rehearing entered in the estate of Ernestine Sovo, IP OK 4 P 91, by Administrative Law Judge Sam E. Taylor. The denial of rehearing let stand the Judge's June 21, 1991, order approving Ernestine's will. For the reasons discussed below, the Board of Indian Appeals (Board) affirms Judge Taylor's orders.

Ernestine, an unallotted Comanche, died on August 20, 1990. She left a will, executed on October 7, 1974, in which she devised all of her property in equal shares to her three grandchildren, Florence C. Sovo, Sophia Lorene Sovo, and Thomas L. Sovo (appellees). Judge Taylor held a hearing to probate Ernestine's trust estate on May 8, 1991. As a result of that hearing, the Judge approved Ernestine's will and ordered the Bureau of Indian Affairs to distribute her trust estate in accordance with the will.

Appellants sought rehearing, arguing that Ernestine's property should have been passed in accordance with the December 4, 1961, will of Cant-sa (Sallie Nahsuquas), Ernestine's mother. Appellants contended that Ernestine had acquired only a life estate in the property received from Sallie, with the remainder interest passing to the heirs of her body. Because Ernestine had no children living at the time of her death, appellants argued that the property received from Sallie should not have passed to appellees.

Judge Taylor denied rehearing. The Board received appellants' notice of appeal on November 1, 1991. Briefs and/or statements have been received during the course of this appeal from appellants; Florence Sovo; and Eunice Tosee, Thomas L. Sovo, and Sophia Sovo.

Sallie's will left life estates in certain properties to her daughters Eunice and Ernestine and to her sons Milton and Frank. In each case, the remainder interest was devised to the heirs of the body of the life tenant. In the event that the life tenant died without leaving heirs of the body, the remainder interest was to vest in Sallie's other children or the heirs of their bodies.

Frank died without heirs of the body. The remainder interest after his life estate therefore vested in Eunice, Ernestine, and Milton.

Milton died leaving seven children, appellants here. The remainder interest after his life estate vested in his children.

